

Action, Brian Warner et al. v. Toyota Motor Sales, USA Inc.
Case No. 2:15-cv-02171-FMO-FFM

FILED
CLERK, U.S. DISTRICT COURT

MARCH 27 2017

3/18/2017

CENTRAL DISTRICT OF CALIFORNIA

BY: vdr DEPUTY

To whom it may concern,

I object to part of the settlement as a class member. The owners of Toyota vehicles whose frame was replaced at their own cost should receive full reimbursement from T.M.S USA Inc.

What I object to is setting a short time limit after the Final Order / Judgement is made. My claim for the Frame Replacement and Inspection should start on the day I purchased my 2006 Tacoma. The frame of my Tacoma is rusting away with no way to stop the now accelerating condition. It is not a matter of if a perforation hole will occur but when. I purchased my Tacoma in 2009 and I had no way of knowing my Tacoma was terminally ill. Just like cancer! The frame is rusting inside and out. I brought my vehicle in for repair at a Toyota dealership in 7-12-2017, I was called out to the repair bay to look at and explain to me the repairs needed for my Tacoma. It was at that moment that I brought up the subject of rust to the mechanic and service adviser's attention, "Why does the frame have so much rusting going on? It's only three years old." (and low mileage 67,132 km)

I called the Toyota Headquarters number in CA to let them know about my vehicle's condition. The Rep took my information and put it on file. When my Tacoma needed regular maintenance, I would bring up my concern ^{again} regarding the frame rusting away. Eventually the frame was treated with a spray on coating which didn't last or stop the rust from advancing. Presently with ^{over} 116k miles on the odometer, the frame may or may not meet the frame replacement settlement conditions proposed in time. (In one or two years from sometime this year). If my Tacoma's frame is not replaced soon, there is a good chance after the proposed short time limit is up my Tacoma will not pass MA state inspection and denial of registration! Then I will own a low mileage vehicle (which was not an inexpensive vehicle to purchase) worth nothing before its time. A worthless trade-in or resale vehicle.

Since my Tacoma's rust condition of the frame is already

beyond the point of no return, I adamantly object to any settlement conditions that restrict frame replacement because of a short time period condition or limit.

This is like a patient that already has full blown cancer and then the cure may be pulled away from them!

I need a Tacoma frame replacement now. Who really knows how safe is it to drive my Tacoma for me and my family? Like many other buyers, I trusted the advertized quality Toyota claimed on ~~advertis~~ tv ads and magazines about my model vehicle. Please don't let Toyota get away with an early exit to take responsibility to replace defective vehicle frames. Photos and documents are included with this letter. Please do not impose a time limit on vehicles with pre-existing frame rust acceleration. I do not have counsel representation or will be able to beat the Fairness Hearing on my behalf.

My vehicle description/information:

2006 Toyota Tacoma

VIN # ~~5TEU32041~~

5TEU42N46Z306757

Photos: Aug/2014 before frame coating applied.

Toyota invoices showing when I first mentioned my Tacoma's frame rusting and frame coating applied and ongoing inspections.

Regards,

Dominick DiMassino Jr

3/18/2017

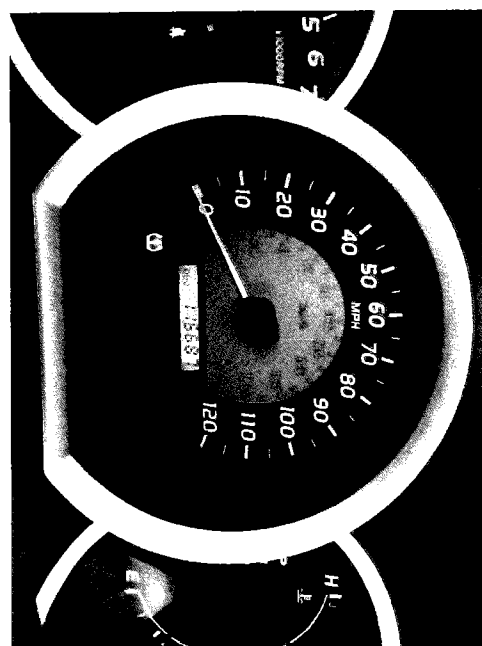
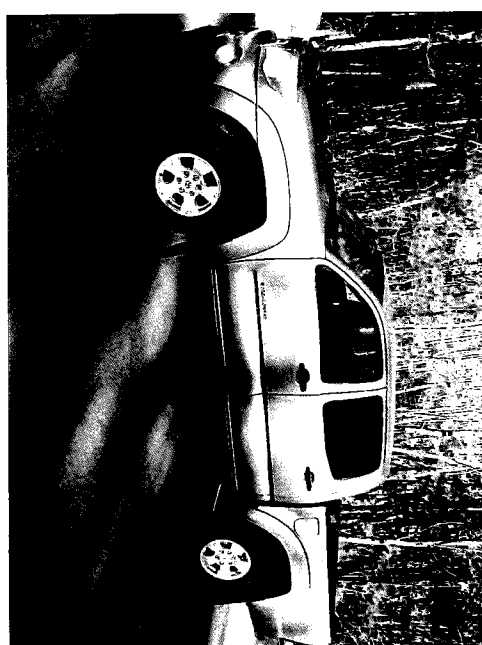
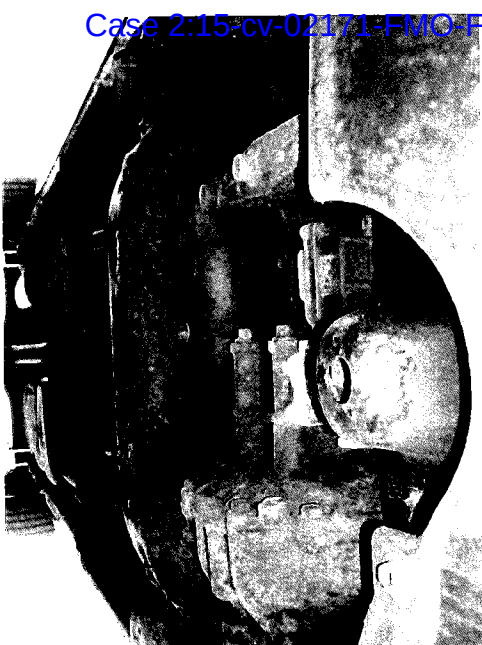
Dominick DiMassino Jr

161 Lowell Road

Pepperell, MA 01463

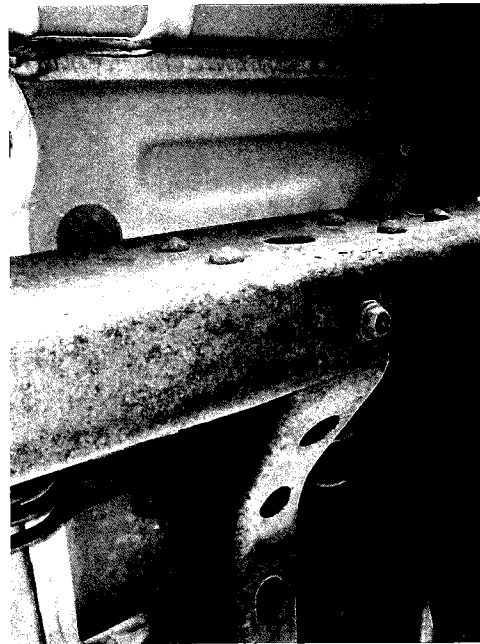
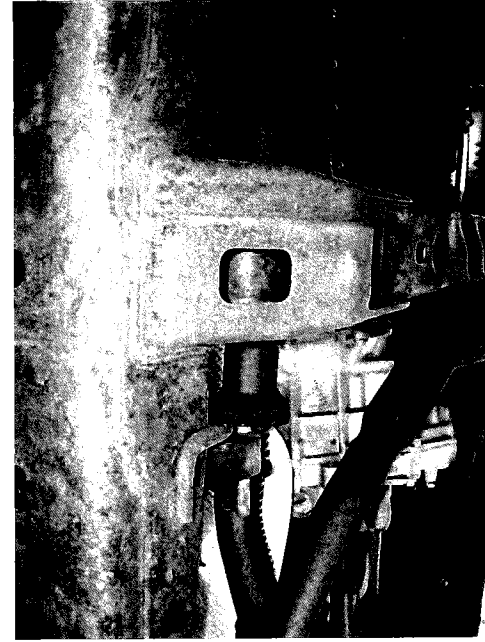
978-925-9647

(03/2017) After coating applied to frame & axles, must continue with accelerating & will be stopped.



A time limit must not be imposed on vehicles with existing frame rust acceleration condition. 2d.

AUG 2014 / Coating applied sep 2017



DOMINICK DIMASSINO
ELEANOR DIMASSINO
161 LOWELL RD
PEPPERELL, MA 01463-1717
Home: 978-925-9647 Bus: 978-569-2081
Cell: 978-394-7701 Email: doeldad3@charter.net

INVOICE

Invoice #: **695082**
Tag #: **T0983**



TOYOTA of Nashua
A Family Owned Company for Over Forty Years
SUV CENTER
6 Rockne Drive · Nashua, NH 03060
Phone: (603) 689-1500
www.toyotaofnashua.com

Customer #: **988WZK**
Service Advisor: **270 MELISSA MARCHAND**

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN	MILEAGE OUT
BROWN	06	TOYOTA TACOMA 4WD	5TEU42N46Z306757	988WZK	67132	67133
DEL DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT
17MAR06		WAIT 21JUL12		96.00	CASH	21JUL12
OPTIONS: DLR:28009 ENG:4.0, Liter DOHC						
15:06 21JUL12 16:26 21JUL12						

LINE OPCODE TECH TYPE HOURS

LIST NET TOTAL

A CUSTOMER REQUESTS FRANK F. TO WORK ON VEHICLE
NC NO CHARGE

PARTS: 672 INT LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: (N/C) 0.00

B OIL AND FILTER CHANGE
TEL PERFORMED MOBIL ONE SYNTHETIC OIL & FILTER CHANGE
672 INT

PARTS: 1 90915-YZZD3 FILTER, OIL (N/C)
1 90430-12031 GASKET (N/C)
6 00279-MB5W3 MOBIL1 5W30 (N/C)
0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE B: (N/C) 0.00

67133 OIL CHANGE

C ROTATE TIRES BALANCING TWO GOING TO THE FRONT
163 ROTATE TIRES BALANCING TWO GOING TO THE FRONT
672 INT

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE C: (N/C) 0.00

67133 ROTATE AND BALANCE

D CUSTOMER STATES CHECK FRAME - SEEMS VERY RUSTY
NC NO CHARGE

PARTS: 672 INT

67133 NORMAL WEAR N TEAR
E CUSTOMER AUTHORIZES NO CHARGE NO OBLIGATION MULTI-POINT INSPECTION
3810 CUSTOMER AUTHORIZES NO CHARGE NO OBLIGATION
MULTI-POINT INSPECTION

67133 NORMAL WEAR N TEAR

STATEMENT OF DISCLAIMER
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LABOR AMOUNT

PARTS AMOUNT

GAS, OIL, LUBE

SUBLET AMOUNT

MISC. CHARGES

TOTAL CHARGES

ADJUSTMENTS

SALES TAX

PLEASE PAY THIS AMOUNT

Thank You
For Your Business!
doeldad3@charter.net

(603) 689-1541

www.toyotaofnashua.com/service

DOMINICK DIMASSINO
ELEANOR DIMASSINO

161 LOWELL RD

PEPPERELL, MA 01463

Home: 19789259647 Bus: 19785692081

Cell: 19783947701 Email: email|doelda3@charter.net|work

INVOICE

Invoice #: 813568

Tag #: T3501



TOYOTA of Nashua
A Family Owned Company for Over Forty Years

10 MARMON DRIVE · NASHUA, N.H. 03060

PHONE (603) 888-3555

TOYOTA PARTS LINE (603) 891-5637

N.E. WATS (800) 300-3555

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN	MILEAGE OUT
BROWN	06	TOYOTA TACOMA 4WD	5TEU42N46Z306757	988WZK	96622	96622
DEL DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT
17MAR06			WAIT 07AUG14		102.00	CASH
OPTIONS: DLR:28009 ENG:4.0 Liter DOHC						
Service Advisor: 421 WICKY C BACK						
Customer # 988WZK						
Inv Date: 07AUG14 15:57 07AUG14 17:52 07AUG14						

LINE OPCODE TECH TYPE HOURS

LIST NET TOTAL

A \$39.95 SPECIAL - PERFORM OIL AND FILTER CHANGE, TIRE ROTATION AND CHECK UP, BATTERY CHARGING SYSTEM TEST, COOLING SYSTEM ANALYSIS, A/C SYSTEM PERFORMANCE, BRAKE INSPECTION
3995 \$39.95 SPECIAL - PERFORM OIL AND FILTER CHANGE, TIRE ROTATION AND CHECK UP, BATTERY CHARGING SYSTEM TEST, COOLING SYSTEM ANALYSIS, A/C SYSTEM PERFORMANCE, BRAKE INSPECTION

PARTS: 1 90915-YZZD3 FILTER, OIL 51.00 51.00
1 90430-12031 GASKET 6.50 6.50
6 00279-MB5W3 MOBILI 5W30 1.00 1.00
51.20 LABOR: 51.00 OTHER: 0.00 TOTAL LINE A: 106.20
96622 PERFORMED OIL AND FILTER SPECIAL, CHARGING SYSTEM NORMAL, BATTERY PASSED TEST, COOLING -42F, A/C, PERFORMANCE TEST PASSED

B FRAME INSPECTION EOD
CAUSE: FRAME CHECK PASSES
999999 FRAME INSPECTION PASSES MADE APPT FOR SEPT 11, 2014 FOR A DROP OFF
425 WT3
FC: PART#: COUNT
CLAIM TYPE: WT3
AUTH CODE:

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE B: 0.00
96622 PASSED FRAME INSPECTION

C C/S WANTS SYNTHETIC MOBIL ONE OIL!!!!!!!!!!!!!!!!!!!!
NMP NO WORK PERFORMED
425 CPT
PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE C: 0.00

Thank You

email|doelda3@charter.net
For Your Business!

Service Department Hours
Monday to Friday
7:00am - 8:30pm
Saturday
7:00am - 5:30pm

Service Department Hours
Monday to Friday
7:00am - 8:30pm
Saturday
7:00am - 5:30pm

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CUSTOMER SIGNATURE	
X	
AT 35MPH	
LABOR AMOUNT	
PARTS AMOUNT	
GAS, OIL, LUBE	
SUBLET AMOUNT	
MISC. CHARGES	
TOTAL CHARGES	
ADJUSTMENTS	
SALES TAX	
PLEASE PAY THIS AMOUNT	

(603) 689-1541

www.toyotaofnashua.com/service

DOMINICK DIMASSINO
ELEANOR DIMASSINO

161 LOWELL RD

PEPPERELL, MA 01463

Home: 978-925-9647 Bus: 978-569-2081

Cell: 978-394-7701 Email: email|doelda3@charter.net|work

*** INVOICE ***

Invoice #: **819464**

Tag #: **T1180**



TOYOTA of Nashua
A Family Owned Company for Over Forty Years

10 MARMON DRIVE · NASHUA, N.H. 03060
PHONE (603) 888-3555
TOYOTA PARTS LINE (603) 891-5637
N.E. WATS (800) 300-3555

Service Advisor: **421 VICKY C BACK**

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN	MILEAGE OUT
BROWN	06	TOYOTA TACOMA 4WD	STELU42N46Z306757	988WZK	97151	97151
DEL DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT
17MAR06		17:00	11SEP14		102.00	CC
INVOICE DATE	INVOICE TIME	INVOICE NO.	INVOICE TYPE	INVOICE DATE	INVOICE TIME	INVOICE NO.
07:09	11SEP14	07:09	11SEP14	16:54	12SEP14	

OPTIONS: DLR:28009 ENG:4.0 Liter DOHC

LINE OPCODE TECH TYPE HOURS

LIST NET TOTAL

A CUSTOMER HERE TO SEE VICKY
A VEHICLE HAS APPOINTMENT

PARTS: 1052 CPT 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: 0.00

B C/S PERFORM EOD RECALL
CAUSE: EOD RECALL

3605G2 INSPECTED FRAME CLEANED AND UNDER COATING

1 00289-T00KT-DS T00-CORROS RES KIT (N/C)
2 90950-01824 PLUG, HOLE (N/C)
2 90950-01539 PLUG, HOLE (N/C)
1 00411-11004 COD HANG TAG (N/C)

FC: PART#: 00289-T00KT-DS
COUNT: 1
CLAIM TYPE: SSC
AUTH CODE:

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE B: 0.00

97151 did eo recall sprayed frame

C CUSTOMER REQUESTS INSPECTING FLOOR BOARDS AND BOLTS SEEM TO HAVE
PREMATURE RUST

NWP INSPECTED FLOOR BOARDS NO CONCERN SEEN NORMAL
SURFACE RUST

157 CPT 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE C: 0.00

SUBL PO 115733 PRO CAR CARE RECON
PO#115733

PARTS: 0.00 CPT 0.00 LABOR: 0.00 OTHER: 40.00 TOTAL LINE C: 40.00

Service Department Hours

Monday to Friday
7:00am - 8:30pm

Saturday
7:00am - 5:30pm

7:00am - 5:30pm

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CUSTOMER SIGNATURE

X

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Customer Copy

Page 1 of 2

THANK YOU!

Thank You
email|doelda3@charter.net
For Your Business!

DOMINICK DIMASSINO
ELEANOR DIMASSINO
161 LOWELL RD
PEPPERELL, MA 01463

INVOICE
DUPLICATE 1

Invoice #: **970379**



TOYOTA of Nashua
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Home: 978-394-7701 Bus: 978-569-2081

Cell: 978-394-7701 Email: email|doelida3@charter.net|work

Customer #:**988WZK**

Service Advisor: **796 STEVEN R GULEZIAN**

10 MARMON DRIVE · NASHUA, N.H. 03060
PHONE (603) 888-3555
TOYOTA PARTS LINE (603) 891-5637
N.E. WATS (800) 300-3555

Tag #: **T1532**

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN	MILEAGE OUT
BROWN	06	TOYOTA TACOMA 4WD	5TEU42N46Z306757	988WZK	116581	116581
DEL DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT
17MAR06		WAIT 17MAR17			119.00	CASH
OPTIONS: DLR:2809 ENG:4.0 liter DOHC 11PLEASE USE MOBIL ONE OIL AT CUSTOMERS REQUEST						
		17MAR17			08.11 17MAR17	11.39 17MAR17

LINE OPCODE TECH TYPE HOURS

AUTH CODE:

LIST NET TOTAL

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE C: 0.00
116581 INSPECTED SPRINGS FOUND IN NEED OF REPLACEMENT REPLACED
SPRINGS

D INSPECT FRAME

NWP SEE NOTES

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE D: 0.00

116581 PERFORMED FRAME INSPECTION FRAME IS RUSTY WITH NO VISUAL
HOLES AT THIS TIME BUT PASSES

E** CUSTOMER IN RENTAL VEHICLE
RENTAL CUSTOMER IN RENTAL VEHICLE

RENT DAILY RENTAL

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE E: (N/C)
***** (N/C)

EST: 57.98 17MAR17 08:11 SA: 796

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☐ The above email address
is not correct

New Email Address:

Thank You!

CUSTOMER PAY SHOP SUPPLIES & DISPOSAL FEES FOR REPAIR ORDER
CREATED BY:
M.MARCHAND@TOYOTAOFNASHUA.COM,
CREATED ON: 03-09-2017,
STATUS: SCHEDULED, TRAN SPORT
TYPE: WAITER

1.48

Service Department Hours

Monday to Friday

7:00am - 8:30pm

Saturday

7:00am - 5:30pm

STATEMENT OF DISCLAIMER

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CUSTOMER SIGNATURE

LABOR AMOUNT		47.78
PARTS AMOUNT		66.20
GAS, OIL, LUBE		0.00
SUBLET AMOUNT		0.00
MISC. CHARGES		2.48
TOTAL CHARGES		116.46
ADJUSTMENTS		88.99
SALES TAX		0.00
PLEASE PAY THIS AMOUNT		27.47

*To be entered in my issue with
Nashua Toyota.*

8/5/14 4:20 PM

*Called to file statement about
the frame rusting issue.*



Case # 1408052210

Kevin - customer Rep.

Da

DOMINICK DIMASSINO JR
161 LOWELL RD
PEPPERELL, MA 01463-1717



Toyota Motor Sales, U.S.A., Inc.
1700 South Western Avenue
P.O. Box 2400
Irvine, CA 92614-0240

*1st 4 yrs never
saw NE winter; it is
a Southern vehicle.
(W. Virginia)*

*8/14/14 called & explained about additional
corrosion & rusting occurring on underneath floor of truck. Took photo of
frame & floor.*

Certain 2005 through 2008 Model Year Tacoma Vehicles
Corrosion-Resistant Compound Application to the Vehicle's Frame

*Kevin - 2nd Rep. involved w/ phone conversation.
connected me to:*

VIN: 5TELU42N46Z306757

Dear Toyota Owner:

Case manager (Nichole) not in today, will call back.

At Toyota, we are dedicated to providing vehicles of outstanding quality and value. As part of our continual efforts to meet your product expectations, Toyota is announcing a Limited Service Campaign Program, which includes your vehicle.

What is the condition?

Toyota has received reports that certain 2005 through 2008 model year Tacoma vehicles operated in specific cold climate areas with high road salt use may exhibit more-than-normal corrosion to the vehicle's frame. Toyota investigated these reports and determined that the frames in some vehicles may not have corrosion-resistant protection sufficient for use in these areas. This, combined with prolonged exposure to road salts and other environmental factors, may contribute to the development of more-than-normal rust in the frame of some vehicles. This condition is unrelated to and separate from normal surface rust which is commonly found on metallic surfaces after some years of usage and/or exposure to the environment.

What is included in this Limited Service Campaign?

This campaign involves customers whose vehicles are currently registered in the specific 20 Cold Climate States listed below and the District of Columbia which have high road salt use (together, "Cold Climate States").

CT, DE, IL, IN, KY, MA, MD, ME, MI, MN, NH, NJ, NY, OH, PA, RI, VA, VT, WI & WV

Any authorized participating Toyota Dealership located in the Cold Climate States will inspect the condition of your vehicle's frame. Based upon the results of Toyota's inspection*, if significant rust perforation **is not** found, Toyota will apply Corrosion-Resistant Compounds (CRC) to key areas of your vehicle's frame at **no charge** to you. The CRC application will enhance the corrosion protection of the vehicle's frame.

You must have your vehicle inspected and the CRC application completed by a participating Toyota Dealership located in the Cold Climate States no later than **March 31, 2016**. Please schedule an appointment with an authorized participating Toyota dealer well in advance of the **March 31, 2016**, expiration date to ensure that your dealership has sufficient time to complete this Limited Service Campaign on your vehicle.

If a participating Toyota Dealership, located in the Cold Climate States, confirms that your vehicle's frame has significant rust perforation*, the dealer will provide an appropriate remedy at **no charge** to you. The dealer must determine that the frame has significant rust perforation* by **March 31, 2016**, in order for the cost of any necessary repairs to the vehicle's frame be covered by the Campaign (there are no mileage limitations).

PRESS FIRMLY TO SEAL

PRESS FIRMLY TO SEAL



1007

90012

PEPPERELL, MA
01463
MAR 28 17
AMOUNT
\$23.75
R2305H129035-13

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FLAT RATE ENVELOPE

ANY WEIGHT*

ENCLOSED INTERNATIONALLY,
CUSTOMS DECLARATION
LABEL MAY BE REQUIRED.



3F Apr 2015
: 18/1/2 x 9 1/2

S10001000006

FMO

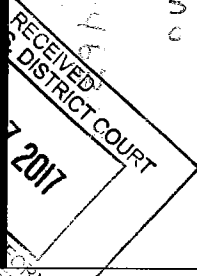
[Handwritten signature]

CUSTOMER USE ONLY

PHONE ()

Dominick Dimasino
161 Lowell Rd
Pepperell, MA 01463

PAYMENT BY ACCOUNT (if applicable)



DELIVERY OPTIONS (Customer Use Only)

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Central District of California
322 North Spring Street Room 608
Los Angeles, CA 90012

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PO ZIP Code	Scheduled Delivery Date (MM/DD/YY)	Postage	
01463	03/27/17	\$23.75	
Date Accepted (MM/DD/YY)	Scheduled Delivery Time	Insurance Fee	COD Fee
03/25/17	10:30 AM	\$	\$
Time Accepted	10:30 AM Delivery Fee	Return Receipt Fee	Live Animal Transportation Fee
9:05 AM	\$	\$	\$
Weight	Flat Rate	Sunday/Holiday Premium Fee	Total Postage & Fees
3 lbs 3 ozs	\$	\$	\$23.75
DELIVERY (POSTAL SERVICE USE ONLY)	Acceptance Employee Initials		
Delivery Attempt (MM/DD/YY)	Time	Employee Signature	
Delivery Attempt (MM/DD/YY)	Time	Employee Signature	

LABEL 11-B, JANUARY 2014

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